UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,693	01/28/2002	Darryl Richard Schick	122185.100B	4085

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KLARQUIST SPARKMAN LLP
121 S.W. SALMON STREET
SUITE 1600
PORTLAND, OR 97204

EXAMINER
RAHMJOO, MANUCHER

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6, 8-15 and 32-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-15 and 32-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7/3/06*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-6,8-15,32-43 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

As per claims 1-6,8-15,32-43 applicant recites a method including elements or

steps which do not define any functional relationship of the processes described therein.

Said element or steps do not produce any useful, concrete, and tangible results and are

therefore the claimed invention is directed to non-statutory subject matter.

Claims 1-6,8-15,32-43 also rejected under 35 U.S.C. 112, first paragraph.

Specifically, since the claimed invention is not supported by either a specific and

substantial asserted utility or a well established utility for the reasons set forth above,

one skilled in the art clearly would not know how to use the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

Claims 1- 6, 8- 15 and 32- 43 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Geigel et al (US PUB 2002/0122067), hereinafter, Geigel in view of

Wahino et al (U RE38079), hereinafter, Washino further in view of Schwab et al (US

PAP 2004/ 0250083), hereinafter, Schwab.

As per claims 1, 6, 11, 32, 34, 37, 38 and 40 and as to the broadest reasonable

interpretation by examiner, Geigel teaches Inputting a group of images for which

corresponding image files are available see for example page 5 paragraph [0077] for

the inputting collection of images that are placed in an album; and displaying on a first

display device, to a user, the group of images for which corresponding images are

available see for example the abstract, figure 1 and page 5 paragraph [0077] through

the use of album pages; and receiving user input from the user by which the user

selects one or more images form the group see for example page 1 paragraph [0010]

for assigning image objects to a page based on user preferences and page 3 paragraph

[0056] for the user specified preferences; and prompting the user to select a plurality of images from the group see for example page 1 paragraph [0010] for selection based on user preferences; and prompting the user to save the selected images as digital photo album of images see for example the abstract and page 3 paragraph [0056]; and receiving an instruction from the user to save the selected images to the storage medium as an album of images see for example page 5 paragraph [0078]; and making a copy of each image file that corresponds to one of the selected images to result in image file copies see for example page 4 paragraph [0061]; ; and making a contact sheet image (see for example page creator module 126 of figure 7) including a user-selected album title having a font (see for example figures 19- 22 which have alpha numeric labels) and color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet image further including an album tile representations of the one or more images contained in the album see for example page 3 paragraph [0056] where user preferences are applied.

However, Geigel does not teach compressing the image file copies; and the album is for viewing on the television different than the first display device; and processing the image file copies to tailor the selected images according to memory size constraints of the removable storage medium and according to one or more display characteristics of the television; and saving, to the removable storage medium, the album of images comprising the compressed image file copies that correspond to the selected images, wherein the album of images is transferable via the removable storage medium to the set top box for display on the television.

Washino teaches compressing the image file copies see for example column 4

lines 45- 50; and the album is for viewing on the television different than the first display

device see for example column 1 lines 15- 20 and column 4 lines 1- 5;

and processing the image file copies to tailor the selected images according to memory

size constraints of the removable storage medium and according to one or more display

characteristics of the television see for example the abstract wherein a program is

translated into a variety of graphics or television formats and fig. 4 wherein any of

blocks 100, 102 , 134 and 104 (removable HD) are processed through processor 110 to

output graphics (eg. RGB) or television formats (eg. Video);saving, to the removable

storage medium, the album of images comprising the compressed image file copies that

correspond to the selected images (see for example column 4 lines 45- 50) , wherein

the album of images is transferable via the removable storage medium to the set top

box (fig. 7 blocks 218, 220, 234 or 242 corresponding to the set top box) for display on

the television see for example column 17 lines 30- 32 and fig. 7.

Geigal and Washino do not teach receiving second input form the user indicating

a preferred order of display for the selected images as a slideshow.

Schwab teaches receiving second input form the user indicating a preferred

order of display for the selected images as a slideshow see for example paragraph

[0077] and [0087] for the sequential and predetermined displaying of text and image

information corresponding to preferred order of display for the selected images as a

slideshow and VGA to NTSC or PAL conversion corresponding to different display

types.

It would have been made obvious to one of ordinary skilled in the art at the time

the invention was made to incorporate the teachings of Schwab into the modified

device of Geigel to provide converting different display formats and compression of

images using advanced image data compression to provided realistic image rendition

and rapid communication response time and therefore make and use the device

according to the latest state of the art technology see for example paragraph [0010].

As per claims 2, and 12 Geigel teaches making a contact sheet image (see

for example page creator module 126 of figure 7) including a user-selected album title

having a font (see for example figures 19- 22 which have alpha numeric labels) and

color (see for example page 6 paragraph [0080]) selected by the user, the contact sheet

image further including an album tile (index of fig. 11) representations of the one or

more images contained in the album see for example page 3 paragraph [0056] where

user preferences are applied.

As per claims 3, 8, and 13 Schwab teaches automatically resize the one or more

image file copies so that the one or more selected images, when displayed, will have a

resolution not exceeding a resolution required for optimal viewing on the television

(Vga into NTSC or PAL) see for example paragraph [0077] and [0087].

As per claims 4, 9, and 14 Geigel teaches prompting the user to make one or more

modifications to any of the selected images see for example page 1 paragraph [0010]

wherein user implements preferences to images; and automatically adjust one or more

of the image file copies to include one or more modifications see for example page 3

paragraph [0054] and page 4 paragraphs [0059- 0061] wherein automatic page

distribution and duplicate detection is performed; and in the saving step, ensuring that

the adjusted image file copies are saved as compressed adjusted image file copies see

for example figure 1 and page 3 paragraphs [0056]- [0057] wherein subsequent use of

the system by a particular user is done through implementation of user preferences

through album automation system and page 4 paragraph [0059] wherein a page layout

algorithm must distribute the images amongst a set of pages and then layout the

images on each individual page which corresponds to adjusted image file copies as

being saved as compressed adjusted image file copies on each individual page.

As per claims 5, and 10 and in light of rejection of claim 1 Geigel teaches

saving, to the removable storage medium, a file that contains parameters of the album,

wherein the file allows a user to automatically recreate the album for further duplication

or modification see for example figure 1 and page 3 paragraphs [0056]- [0057] wherein

implementation of user preferences is done through album automation system which

can be repeated by subsequent use of the system and the output can be produced on

variety of photo delivery media e.g. picture CD media.

As per claim 15 and in light of the rejections made above Geigel teaches saving,

to the removable storage medium, a link that allows a user to view the image files that

are stored on the removable storage medium as the digital photo album of images see

for example claim 2 on page 12.

As per claims 33, 36 and 39 Schwab teaches the fist display device is a computer

monitor see for example paragraph [0077].

As per claims 35 and 41 Schwab teaches the television has an aspect ratio (inherent to NTSC or PAL), and wherein the processing of the image file copies comprises, for each of one or more of the selected images, adding fill space up to the aspect ratio of the television see for example paragraph [0077] the space unused at the sides and the bottom of the screen.

As per claim 42 Washino teaches the set top box is a stand alone set top box requiring no connection to a separate computer see for example fig. 7 blocks 218, 220, 234 or 242 corresponding to the set top box.

As per claim 43 Geigel teaches flash memory media see for example paragraph [0056] and cd media see for example paragraph [0057].

Response to Arguments

Applicant's arguments with respect to claims 1- 6, 8- 15 and 32- 43 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789. The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo

July 31, 2006

KEE M. TUNG
SUPERVISORY PATENT EXAMINER